

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1085

Introduced by Baker, 44

Read first time January 13, 2006

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to interstate motor carrier registration;  
2 to amend sections 75-348 and 75-349, Reissue Revised  
3 Statutes of Nebraska, and section 75-386, Revised  
4 Statutes Supplement, 2005; to authorize the Division of  
5 Motor Carrier Services to enter into the Unified Carrier  
6 Registration Agreement; and to repeal the original  
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 75-348, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           75-348 (1) Except as otherwise provided, it is unlawful  
4 for any common, contract, or private carrier of property by motor  
5 vehicle in interstate commerce to operate any motor vehicle within  
6 this state without first having registered with the Division  
7 of Motor Carrier Services in accordance with sections 75-348 to  
8 75-358. Such sections shall not apply to motor vehicles leased for  
9 thirty days or less, motor vehicles with a gross vehicle weight  
10 rating of ten thousand pounds or less, and motor vehicles on which  
11 annual fees are paid under section 75-305. The division shall  
12 adopt and promulgate rules and regulations necessary to enable the  
13 State of Nebraska to participate in the single state insurance  
14 registration system for motor carriers authorized by section 4005  
15 of the Intermodal Surface Transportation Efficiency Act of 1991,  
16 105 Stat. 1921, and by applicable rules and regulations promulgated  
17 by the Interstate Commerce Commission or its successor agency.

18           (2) Effective January 1, 2007, the Division of Motor  
19 Carrier Services shall have the authority and may enter into  
20 the Unified Carrier Registration Agreement provided for by the  
21 United States Congress in section 4305 of Public Law 109-73.  
22 Upon entering into the Unified Carrier Registration Agreement, the  
23 division shall abide by the requirements established pursuant to  
24 the agreement and may agree to arrangements or agreements with  
25 other participating jurisdictions for the exchange of information

1 for the audit and enforcement activities required pursuant to the  
2 agreement. In the event of any conflict between sections 75-348 to  
3 75-358 and the Unified Carrier Registration Agreement, the Unified  
4 Carrier Registration Agreement shall prevail. Upon a determination  
5 by the division to enter into the Unified Carrier Registration  
6 Agreement, the division shall provide notice of such determination  
7 to the Executive Board of the Legislative Council and to the  
8 Transportation and Telecommunications Committee of the Legislature.

9           Sec. 2. Section 75-349, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           75-349 Applications for registration pursuant to  
12 subsection (1) of section 75-348 shall be made to the Division of  
13 Motor Carrier Services in writing, shall be verified under oath,  
14 and shall be in such form and shall contain such information as the  
15 division requires by rule or regulation. Whenever the applicant is  
16 a motor common or contract carrier in interstate commerce, there  
17 shall be attached to the original of the application a copy of the  
18 operating authority issued to the applicant by the United States  
19 Government. Upon receipt of an application, which is in compliance  
20 with sections 75-348 to 75-358 and the rules and regulations  
21 promulgated by the division thereunder, and the filing fee, if  
22 any, required by law, the division shall approve the application  
23 for registration.

24           Sec. 3. Section 75-386, Revised Statutes Supplement,  
25 2005, is amended to read:

1                   75-386 The Division of Motor Carrier Services shall:

2                   (1) Foster, promote, and preserve the motor carrier  
3 industry of the State of Nebraska;

4                   (2) Protect and promote the public health and welfare  
5 of the citizens of the state by ensuring that the motor carrier  
6 industry is operated in an efficient and safe manner;

7                   (3) Promote and provide for efficient and uniform  
8 governmental oversight of the motor carrier industry;

9                   (4) Promote financial responsibility on the part of motor  
10 carriers operating in and through the State of Nebraska;

11                   (5) Administer all provisions of the International Fuel  
12 Tax Agreement Act, the International Registration Plan Act, and the  
13 single state insurance registration system or the Unified Carrier  
14 Registration System pursuant to sections 75-348 to 75-358;

15                   (6) Provide for the issuance of certificates of title to  
16 apportioned registered motor vehicles as provided for by subsection  
17 (6) of section 60-144;

18                   (7) Serve as the agent of the Public Service Commission  
19 in the filing of proof of insurance by intrastate common, contract,  
20 and private motor carriers as prescribed by sections 75-307 to  
21 75-307.03; and

22                   (8) Carry out such other duties and responsibilities as  
23 directed by the Legislature.

24                   Sec. 4. Original sections 75-348 and 75-349, Reissue  
25 Revised Statutes of Nebraska, and section 75-386, Revised Statutes

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1 Supplement, 2005, are repealed.